

**ARTICLE 57.0
ADMINISTRATION OF THE ORDINANCE**

SECTION 57.01-PURPOSE

It is the purpose of this Article to provide the procedures for the administration of the Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators and enforcement of the provisions of this Ordinance and amendments thereto.

SECTION 57.02-ADMINISTRATION; AUTHORIZED LOCAL OFFICIALS

The Lodi Township Supervisor shall be responsible for enforcing this Ordinance. Except for the issuance of citations, the Supervisor may delegate the actual enforcement of the provisions of this Ordinance to the Zoning Inspector or other township officials and personnel. For the issuance of citations, the Supervisor, the Zoning Inspector, any Washtenaw County Sheriff's Deputy, and any Lodi Township Constable, Police Officer, and Ordinance Enforcement Officer are authorized to issue citations as an "authorized local official" pursuant to MCL 600.8707.

Except where otherwise stated herein, the provisions of this Ordinance shall be administered by the Zoning Inspector, and by such other officials, individuals, firms, or other entities as the Township Board may designate. The Township Board may enter into a contractual arrangement with one (1) or more individuals, firms, or other entities to perform all or part of the duties of the Zoning Inspector under the direction of the Township Supervisor.

SECTION 57.03-DUTIES OF ZONING INSPECTOR

The provisions of this Ordinance shall be administered by the Zoning Inspector under the direction of the Township Supervisor, subject to the following:

1. The Zoning Inspector shall administer and enforce this Ordinance precisely as written, and shall not modify, vary or ignore the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation.
2. The Zoning Inspector shall have the authority to review and approve applications for zoning compliance permits and zoning approval for certificates of occupancy in compliance with the provisions of this Ordinance.
 - a. It shall be unlawful for the Zoning Inspector to approve any plan or issue any zoning compliance permit or zoning approval for a certificate of occupancy unless such plan, permit, or certificate is first determined to conform to all applicable provisions of this Ordinance.
 - b. The Zoning Inspector shall not refuse to approve a plan, permit, or certificate upon determination that the applicant has complied with all applicable provisions of this Ordinance.
3. The Zoning Inspector shall forward all application materials and all other information relevant to matters upon which a board or commission is required to act to the Supervisor or Clerk for distribution to the Township Planner and the appropriate board or commission.
4. The Zoning Inspector shall have the authority to interpret the provisions of this Ordinance in such a way as to preserve and promote the character of the zoning district in question, and carry out the intent and purposes of this Ordinance and the Township's General Development Plan. Such interpretations shall be subject to appeal to the Zoning Board of Appeals by an aggrieved party in accordance with Article 59.0 (Zoning Board of Appeals).

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5. The Zoning Inspector shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following zoning approval procedures.
6. The Zoning Inspector shall periodically report to the Township Board and Planning Commission on the status of Township's zoning administration and enforcement activities, including but not limited to the type and nature of uses permitted by right; and the nature and extent of Ordinance violations, nonconformities, and investigations thereof.
7. Under the direction of the Township Supervisor, the Zoning Inspector shall have the authority to initiate investigations into alleged violations of these regulations, and investigate complaints of Ordinance violations. If delegated by the Supervisor in accordance with Section 57.09 (Violations), the Zoning Inspector shall have the authority to issue warnings and citations for Ordinance violations.
8. The Zoning Inspector shall have the authority to make inspections of buildings or premises necessary to carry out his or her duties under this Ordinance.
9. The Zoning Inspector shall order the discontinuance of unlawful uses of land or structures, removal of unlawful structures or alterations, discontinuance of work performed in violation of this Ordinance, and shall take such action(s) authorized by this Ordinance to ensure compliance with this Ordinance.
10. The Zoning Inspector shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the Township Supervisor.

SECTION 57.04-ISSUANCE OF ZONING COMPLIANCE PERMITS

The Zoning Inspector shall require that all applications for zoning compliance permits shall be accompanied by plans and specifications including a plot plan or site plan in triplicate drawn to scale. The Zoning Inspector shall retain the original copy for his files.

SECTION 57.05-VOIDING OF ZONING COMPLIANCE PERMIT

Any zoning compliance permit granted under this Ordinance shall become null and void unless construction and/or use is commenced within one hundred eighty (180) days and completed within five hundred forty-five (545) days of the date of issuance.

SECTION 57.06-ISSUANCE OF CERTIFICATE OF OCCUPANCY: FINAL INSPECTION

No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until a certificate of occupancy shall have been issued for such new use. The holder of a zoning compliance permit for the construction, erection, or moving of any building, structure or part thereof, for the establishment of a use, shall notify the Zoning Inspector immediately upon the completion of the work authorized by such permit for a final inspection.

SECTION 57.07-VOIDING OF CERTIFICATE OF OCCUPANCY

Any certificate of occupancy granted under this Ordinance shall become null and void if such use(s), building(s) and/or structures(s) for which said certificate was issued are found by the Zoning Inspector to be in violation of this Ordinance. The Zoning Inspector upon finding such violation shall immediately notify the Township Board of said violation and voiding of the certificate of occupancy.

SECTION 57.08-FEES, CHARGES, AND EXPENSES

The Township Board shall establish a schedule of fees, charges and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals and other matters pertaining to the Ordinance. The schedule of fees shall be

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posted in the Office of the Zoning Inspector, and may be altered or amended only by the Township Board. No permit, certificate, special use on approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

SECTION 57.09-VIOLATIONS AND PENALTIES; NUISANCE PERSE; ABATEMENT

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, development, alteration, or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction citation and other measures allowed by law.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.
3. Any failure or omission to enforce the provisions of this Ordinance or to prosecute any violations thereof shall not constitute a waiver of any rights and remedies provided by law, and shall not constitute a waiver of nor prevent any further prosecution of violations of this Ordinance.
4. Each day that a violation is permitted to exist shall constitute a separate offense.
5. Citations shall be personally served by an authorized local official on the alleged violator unless the municipal civil infraction action involves the use or occupancy of any land or structure. If the infraction involves the use or occupancy of any land or structure, a copy of the citation need not be personally served on the alleged violator but may be served upon an owner or occupant of the land or structure by posting the copy on the land or attaching the copy to the structure and by sending a copy by first-class mail to the owner of the land or structure at the owner's last known address.

B. Correction Period and Stop Work Orders

All violations shall be corrected within a maximum of 30 calendar days following the receipt of an order to correct from the Zoning Inspector, subject to the following:

1. The Zoning Inspector may:
 - a. Set a shorter correction period of at least seven (7) calendar days in length, provided that the designated period would, in the determination of the Zoning Inspector, allow sufficient time to correct the violation;
 - b. Grant an extension of up to 180 calendar days upon determining that the additional time is necessary for correction; and
 - c. Require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.
2. The Zoning Inspector may issue a stop work order to halt all construction activities or usage pending the resolution of the alleged violation.

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3. The Zoning Inspector may inspect the site of the violation during the correction period to verify that progress is being made to correct the violation, and to verify compliance with any stop work order.
4. No new civil infraction citations shall be issued by the Township during the correction period, except under the following circumstances as determined by the Zoning Inspector:
 - a. A stop work order issued by the Zoning Inspector has been disregarded;
 - b. Failure by the property owner(s) or other person(s) having responsibility for work in violation of this Ordinance to show reasonable progress towards correction of the violation during the correction period; and
 - c. The occurrence of any additional Ordinance violation on the same parcel.
5. If the violation is not corrected within the time period specified by the Zoning Inspector, or a stop work order is disregarded, the Township may issue new civil infraction citations against the continuing violation. The Zoning Inspector shall notify the Township Board of the continuing violation, and may request that additional legal action be taken by the Township Attorney to resolve the violation.

C. Non-Compliance Penalties and Remedies

A firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation who violates the provisions of this Ordinance by failing to comply with any of its provisions and requirements, including without limitation, violations of conditions and safeguards established in connection with variances, approved site plans, permits, certificates, or other authorizations under this Ordinance shall be subject to any or all of the following penalties and remedies:

1. **Ordinance violation notice:** If the Township has established an ordinance violations bureau, an authorized local official may issue and serve an ordinance violation notice, instead of a civil infraction citation, under the same circumstances as provided in this Section for the service of a citation. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
 - a. The ordinance violation notice shall direct the alleged violator to appear at the Lodi Township ordinance violations bureau by a date certain, and to pay a fine set by resolution of the Township Board.
 - b. If an admission of responsibility is not made and the fine is not paid at the Township's ordinance violations bureau, a civil infraction citation may be issued against the violation in accordance with this Section.
2. **Civil infraction citation:** The violator shall be responsible for a civil infraction citation for which the court may impose a civil fine of not less than \$100.00 or no more than \$10,000.00 per day of violation.
 - a. The imposition of any such fine shall not exempt the violator from compliance with this Ordinance.
 - b. In addition to any fines imposed in accordance with this Section, each person who violates this Ordinance shall be summarily taxed the costs of the action, which are not limited to the costs taxable in ordinary civil infraction actions and may include all expenses, direct and indirect, to which the Township has been put in connection with the municipal civil infraction, up until the entry of judgment. Costs of not more than \$500.00 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of Lodi Township.
3. **Lien against the land or structure:** If a defendant does not pay a civil fine and costs imposed by a court of competent jurisdiction within 30 days after the date on which payment is due in a municipal civil infraction action brought for a violation involving the use or occupation of any land or structure, the Township may obtain a lien against the land or structure involved in the violation by recording a copy of

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the court order requiring payment of the civil fine and costs with the Washtenaw County Register of Deeds office.

- a.** The court order shall not be recorded unless a legal description of the property is incorporated in or attached to the court order.
- b.** The lien is effective immediately upon recording of the court order with the Register of Deeds.
- c.** The court order recorded with the Register of Deeds shall constitute notice of the pendency of the lien. The Township shall also send written notice of the lien by first-class mail to the owner of record of the land or structure at the owner's last known address.
- d.** A lien provided for by this Section shall not continue for a period longer than five (5) years after a copy of the court order imposing a fine and costs is recorded, unless within that time an action to enforce the lien is commenced.

4. Injunctive relief: The Township may commence civil suit seeking injunction, specific performance, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any violations of this Ordinance.

- a.** In the event the Township commences civil suit pursuant to this Section and it is determined that a violation has occurred, in addition to any other remedies to which the Township shall be entitled, it shall also be entitled to recover from the violator its actual attorney fees and costs incurred in enforcing provisions of this Ordinance.
- b.** A petition for injunctive relief shall in no way relieve the violator of any and all liability associated with the violation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, any other actions by the Township against the violator.

D. Public Nuisance

The following are hereby declared to be a nuisance per se, and may be abated by order of the Township Board, subject to appeal to any court of competent jurisdiction:

- 1.** Any uses of land, dwelling(s), building(s), or other structure(s), including tents, recreational vehicles, and portable structures, established, expanded, altered, or maintained in violation of this Ordinance.
- 2.** Any dwelling(s), building(s), or other structure(s), including tents, recreational vehicles, and portable structures, erected, expanded, altered, razed, converted, used, or occupied in violation of this Ordinance.
- 3.** Any other site improvement or development constructed, expanded, altered, or maintained in violation of this Ordinance.

SECTION 57.10-PUBLIC HEARING PROCEDURES

The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a complete and accurate application, select a reasonable time and place for such hearing. Such hearings shall be held in accordance with the Michigan Zoning Enabling Act and the following:

A. Public Notice

Notice of the public hearing shall be required in accordance with the following:

- 1. Minimum notice contents.** The notice shall include the time and place of the hearing, the name of the body charged with conducting the hearing, a summary of the subject and purpose of the hearing, and a listing of the methods by which questions can be addressed and comments provided to the body charged with

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conducting the hearing.

2. **Address of the property.** The notice, except for notice of amendments to the text of the Zoning Ordinance, shall indicate the property that is the subject of the request, and shall include a listing of all existing street addresses for the subject property.
 - a. Street addresses do not need to be created and listed if no such addresses currently exist for the subject property. If there are no street addresses, other means of property identification may be used, such as tax identification numbers.
 - b. If eleven (11) or more adjacent lots or parcels are proposed for rezoning, individual addresses shall not be required to be listed on the notice.
3. **Posting and publication.** The notice shall be posted at the Township Hall and at any separate location where the hearing will be held and published once in a newspaper of general circulation in the Township.
4. **Mailing.** The notice shall be sent by mail or personal delivery to the applicant and owner(s) of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the boundary of the subject property, and to all occupants of structures within 300 feet of the boundary of the subject property, regardless of whether the property or occupant is located in the zoning jurisdiction.
 - a. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - b. Mailing or personal delivery of notices shall not be required for amendments to the text of the Zoning Ordinance, or if eleven (11) or more adjacent lots or parcels are proposed for rezoning.
5. **Timing of notice posting, publication, and mailing.** The notice shall be posted, published, and mailed or personally delivered in accordance with the requirements of this Section not less than 15 days before the hearing date when the application will be considered.

B. Discretionary Notice

The Township may, at its discretion, post this notice at other public-accessible locations, such as community bulletin boards or the Internet. The Township Board may also establish a policy to consistently send this notice by mail to persons located more than 300 feet from the boundary of the property in question, provided that the applicant shall not be required to pay for the additional mailing expenses.

C. Pre-Hearing Examination

Upon reasonable request, any person may examine the application and all other documents on file with the Township pertaining to the subject and purpose of the hearing. Any person shall be entitled to copies of such application and documents upon reasonable request and payment of fees as established by the Township Board to cover the cost of making such copies.

D. Right to Submit Written Statements

Any person may submit written comments about the subject and purpose of the hearing prior to a hearing, or following such hearing within such time as the hearing body may allow. Such statements shall be made a part of the public record of the hearing.

E. Timeframe for Hearings

The public hearing shall be scheduled for a date not more than 90 calendar days after receipt of a complete and accurate application by the body charged with conducting the hearing, unless a further time is agreed upon by the parties concerned.

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Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney. Documentary evidence may be submitted for consideration, provided that the hearing body shall exclude such evidence deemed irrelevant, immaterial or unduly repetitious.

G Adjournment

The body conducting the hearing may at any time, on its own motion or at the request of any person, adjourn the hearing to a reasonable and fixed future date, time, and place for the purpose of giving further notice, accumulating further evidence or information or for such other reasons that the body finds to be sufficient. Notice shall be provided for the adjourned hearing per Section 57.10A (Public Notice).

H Governance

All other matters pertaining to the conduct of hearings shall be governed by applicable provisions of this Ordinance, and the rules and procedures adopted by the body conducting the hearing.

